

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN C. SHARP
Plaintiff,

vs.

Super. Johnson, et al.,
Defendants

Civil Action 400-2156

FILED

OCT - 3 2007

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

APPIDAVIT OF BIAS OR PREJUDICE OF JUDGE

And now, this 27th day of Sept., 2007, plaintiff does hereby tender under penalty of perjury, this affidavit of Prejudice or Bias of Judge in accordance with 28 USC §144 based upon the following facts:

In a conference with then appointed attorney for the plaintiff, Raymond Sanchas, Magistrate Judge Amy Hay did make prejudicial and derogatory statements concerning the rights of a wealthy person who is not incarcerated to purchase competent counsel; and thereby obtain any form of justice, and the plaintiff who cannot afford the same amount of legal justice afforded to those individuals who are of the indigent status. (Such as the plaintiff.) She made it abundantly clear that because the plaintiff was not paying for appointed counsel, he had no right to complain about the level of representation that he was being given by said appointed counsel and "refused" to remove him from the case even with all the errors that plaintiff had enumerated.

Plaintiff gave an entire list of errors and actions that he requested be taken and also informed her that the attorney of record was only being used to this point at "her" urging to see if a settlement could be reached before dealing with the issue of replacing counsel. When it was made clear that the plaintiff could see no effort on the part of the defense to reach a settlement, he again reiterated that he did not wish to proceed any further with counsel due to their conflicts of interest in the case regarding the claims that plaintiff was attempting to raise.

Magistrate Hay then stated that plaintiff had no right to complain about the level of representation that plaintiff was being given and that plaintiff is not paying for said representation and would have to take what he could get. Plaintiff stated that what she is saying is that, "Plaintiff is not entitled to competent representation because of his indigence according to her statements." Magistrate Hay confirmed this by

saying, "That may be". repeatedly after each citation of the appointed counsel's errors and went so far as to say that plaintiff doesn't have a right to gauge the level of representation that he was getting because he didn't have the money to pay for counsel.

Plaintiff brought to her attention that this was unjust and could only be construed as saying that he is not equal to a citizen who is able to pay and she again stated, "That may well be."

Plaintiff then became angry and invited the Magistrate judge to suck his private parts due to her blatant disregard for his rights through her remarks, and her continuously biased attitude regarding his genuine complaints regarding his representation. Magistrate Judge Hay then threatened the plaintiff with contempt charges and the plaintiff continued to ask her to suck on his private parts until she terminated the phone conference.

Magistrate Judge Hay then lied and stated that she was only explaining the rights afforded to the plaintiff in accordance with law, which was far from the truth, when she in fact was stating that poor people who can't pay are not entitled to justice on the level of those who have the money to purchase it.

Magistrate Judge Hay also concealed the fact that it was per "her" order that plaintiff continued trying to reach resolution with appointed counsel Sanchas and that plaintiff had complained at every instance that he no longer wanted his representation.

Plaintiff even went so far as to write the Judge directly and was ordered "not" to correspond with her except through the attorney about whom he was complaining.

Plaintiff avers that since inviting Magistrate Hay to give him oral sex, she has become even more prejudicial, and refused to produce her bond and oath of office, or allow the plaintiff to present his claims before a jury due to the expense it would take for such a trial. In point of fact, Judge Hay stated that she would "not" allow plaintiff to represent himself before a jury and has denied him the right to now present his case before a jury where he specifically informed her in conference that he wished to present his case before a jury at trial. She stated that she wished to get through this case as quickly as possible with the minimal costs and her time being taken up.

Therefore, plaintiff avers, that because of this verbal conflict between plaintiff and the presiding Magistrate, the presiding Magistrate is prejudiced and biased, and was prejudicial and biased long before the plaintiff invited her to give him oral sex. Plaintiff avers that she falsified court documents, lied to a Federal court Judge overseeing the case and conspired to prevent the plaintiff from having any equitable

judgement in the above numbered case because of his verbal retaliation against her prejudicial remarks.

Certificate of Counsel that the Affidavit is Tendered in good faith:

I the plaintiff, and pro se representative do swear and affirm that this affidavit is true and correct to the very best of my knowledge and beliefs, and is being submitted in good faith to this court as the true and factual recollection of the plaintiff under penalty of perjury. This affidavit and its averments are being submitted in accordance with Title 28 USC §144 and necessitates that Judge Amy Hay proceed no further, but that another Judge should be assigned to hear any trial proceedings.

Shawn Sharp
Shawn C. Sharp
Pro Se Plaintiff

. Proof Of Service

I do swear and affirm that a true and correct carbon copy of the attached affidavit was sent to the following parties:

Clerk of Courts For the Western District of Pa.
U.S. Post Office And Courthouse
P.O. Box 1805
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Shawn Sharp
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